

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELECTRONICALLY FILED

DOC #:

DATE FILED: 5/14/08

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 JAMES M. BURKE and BRADLEY
 L. GROW, as the designated Sellers'
 Representatives, under that certain
 Agreement and Plan of Reorganization and
 Merger by and between Eateries Holdings,
 LLC, Eateries, Inc., Fiesta LLC, and the
 members of Eateries Holdings, LLC,
 on the one hand, and Hestia Holdings, LLC,
 Eateries Merger Sub, Inc. and Fiesta
 Merger Sub, Inc., on the other hand,
 dated as of December 26, 2006,

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, *et al.*

Defendants.

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 HESTIA HOLDINGS, LLC, *et al.*

Counterclaimants,

-against-

JAMES BURKE and BRADLEY L. GROW, *et al.*Counterclaim Defendants.
 -----X

Civil Action No.: 07-9909 (HB)

**STIPULATION EXTENDING THE
DEADLINE TO ADD NEW PARTIES**

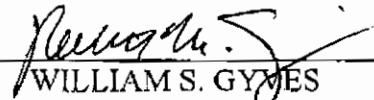
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
 attorneys on behalf of their respective clients, that the time within which new parties may be
 joined in the above-captioned action shall be extended from May 15, 2008, up to and including
 May 29, 2008.

→ Keep in mind that all PTSC dates
 other than this remain in full force & effect

Dated: New York, New York
May 13, 2008

ENTWISTLE & CAPPUCCI LLP
Attorneys for Plaintiffs and Counterclaim
Defendants

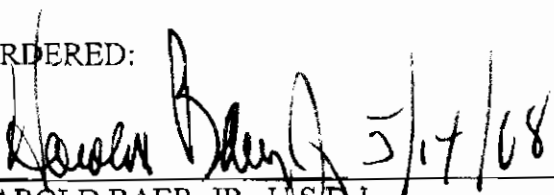
DEWEY PEGNO & KRAMARSKY LLP
Attorneys for Defendants and
Counterclaimants

By: 
WILLIAM S. GYLES
ROBERT M. TRAVISANO

By: 
ARIEL P. CANNON

280 Park Avenue, 26th Floor West
New York, New York 10017
(212) 894-7200

220 East 42nd Street
New York, New York 10017
(212) 943-9000

SO ORDERED:

HAROLD BAER, JR., U.S.D.J.